

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 300 PERSONNEL	SUPERSEDES: IB 93-19 (05/04/93) AR 340 (09/03/85)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 339 EMPLOYEE CONDUCT TEMP	EFFECTIVE DATE: 01/20/03

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PURPOSE

To set forth guidelines for professional and personal conduct expected of Department employees, whether on or off duty.

To outline Causes for Disciplinary Action and ensure the use of established Complaints and Investigative Procedures.

AUTHORITY

NRS 284, 289, 199.325, 169, 617
NAC 284.650, 284.738 through 284.771, 284.653
AR 109

RESPONSIBILITY

The overall responsibility for compliance with the provisions set forth in this Administrative Regulation will be with the Appointing Authority.

It is the responsibility of all employees of the Department of Corrections to conduct themselves in an appropriate manner.

It shall be the responsibility of Wardens/Division Heads to ensure non-compliance with this regulation is reported in a timely manner.

DEFINITIONS

APPOINTING AUTHORITIES - Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing authorities may include Assistant Directors, Medical Director, Wardens, and Administrator Mental Health and Program Services and Division Heads.

CAUSES FOR CORRECTIVE/DISCIPLINARY ACTION – Any act of misconduct.

COMPLAINT – Any allegation, complaint, or grievance, anonymous, identified, or made through a third party regarding employee misconduct or poor performance.

DEPARTMENT – The Nevada Department of Corrections (NDOC).

DIVISION HEAD – Division Heads include those individuals responsible for the major divisions of the Department; such as Personnel, Employee Development and Relations, Inmate Services, Fiscal, Inspector Generals Office, Procurement, Accounting, Offender Management, Stores, and Medical.

EMPLOYEE – A person legally holding a position with the Department in the public service as defined in NRS 284.015.

MISCONDUCT – Including, but not limited to violations of law, administrative code, regulation, policy, and/or procedure.

PEACE OFFICER – Positions designated pursuant to NRS 169.125, NRS 289.010, NRS 289.200, NRS 481.053, NRS 617.135 and NAC 289.060.

RIGHTS OF A PEACE OFFICER – Refers to the rights afforded pursuant to NRS Chapter 289 (289.010 - 289.120).

APPLICABILITY

This Administrative Regulation applies to all classified and unclassified employees of the Department of Corrections.

PROCEDURES

339.01 EMPLOYEE CONDUCT ON AND OFF DUTY

1.1 Employees of the Department will conduct themselves with honor, integrity and impartiality at all times, whether on or off duty. **(3-4067)**

1.1.1 Employees must always and exercise appropriate self-discipline in the use of the power and authority that has been entrusted to them and to obey and support the letter and the spirit of the law.

1.2 All Department employees are expected to conduct themselves in an appropriate manner while on or off duty. **(3-4067)**

339.02 CAUSES FOR CORRECTIVE/DISCIPLINARY ACTION

1.1 Any act of commission and/or omission that constitute misconduct.

1.2 Any activity that is incompatible with an employee's conditions of employment established by law or which violates a provision of the Nevada Administrative Code. This includes Nevada Administrative Code sections 284.650, 284.653, and 284.738 through 284.771.

1.3 Any violation of any Department policy, rule, regulation, procedure or other directive, including:

1.3.1 Commission of any criminal offense.

- No employee shall willfully violate any Federal statute, State law, or City or County ordinance.

1.3.2 Failure to report misconduct by another employee.

1.3.3 Providing false or misleading statements, either verbally or in written reports or other documents, concerning actions directly related to the performance of official duties.

1.3.4 Failure to take appropriate action.

1.3.5 Failure to complete and submit all required reports on time and in accordance with Department procedures.

1.3.6 Voluntary sexual conduct or contact between an employee and an inmate.

1.3.7 The purchase or consumption of an alcoholic beverage while on duty.

- Employees shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with the odor of intoxicants on their person or breath.

1.3.8 Disorderly conduct.

1.3.9 Inciting another to fight.

1.3.10 Fighting, except when justified and/or required as part of an employee's duties.

1.3.11 Engaging in any off-duty conduct that poses a threat of danger to the public.

1.3.12 Engaging in any act, or communicating information in any fashion, that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to improperly dispose of or secrete evidence.

1.3.13 Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment.

1.3.14 Interfering with the service of subpoenas or other lawful process.

1.3.15 Interfering with the attendance or testimony of any witness at any lawful proceeding.

1.3.16 Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law, or take any other action that will interfere with the administration of criminal justice.

1.3.17 Concealing, altering, falsifying, destroying, removing, tampering, or withholding any property or evidence associated with any alleged misconduct, investigation, arrest, or other administrative or enforcement action.

1.3.18 Concealing, altering, falsifying, destroying, stealing, removing, or tampering with any record, report or other official document maintained by the Department or any other criminal justice agency.

- Official records/reports may be removed or copied only as allowed by law and Department policy and procedure.

1.3.19 Acts of discrimination of any kind.

1.3.20 Transmitting prohibited messages for inmates.

1.3.21 The introduction of contraband into any Department institution or facility.

1.3.22 Unauthorized association with inmates, ex-inmates, or their families.

1.3.23 Misuse of the Department badge, uniform, or position.

- Employees will not wear the Department uniform in any bar, tavern, and nightclub or gambling establishment, except in the necessary performance of assigned duties.

- Employees will not accept free admission to places where an entrance fee is charged, nor accept free meals, transportation or other favors not ordinarily accorded the average citizen.
- Badges are not to be displayed or used in any fashion while off duty.
- The purchase and consumption of alcohol while in uniform is prohibited.

1.3.24 Unauthorized discussion of confidential Department matters.

- Dissemination of confidential information shall be limited to individuals who have both a need to know and a right to know.

1.3.25 Compromising the confidentiality of inmate affairs.

- Dissemination of confidential information shall be limited to individuals who have both a need to know and a right to know.

1.3.26 Failure to report suspected rules violations by an inmate.

1.3.27 Restrictions on the possession of firearms on duty; written authorization from the Director is required prior to bringing a weapon or other item considered security equipment onto Department, or while performing duties on behalf of the Department.

1.3.28 The use of abusive or obscene language, threats, and coercion.

1.3.29 Restrictions on the use of force; inmates will not be subjected to sexual, emotional, or physical abuse, or the use of unnecessary levels of force.

1.3.30 Failure to enforce an attitude of respect for, and protection of, the rights of inmates.

1.3.31 Failure to adhere to requirement for timely attendance.

1.3.32 Failure to have respect for property rights, the unauthorized use, theft, misuse, or waste of property belonging to the Department, an inmate, an employee, or a visitor.

1.3.33 Failure to assure safety and security as a part of effective job performance; employees will remain alert, aware of, and responsive to their surroundings while on duty; acts that jeopardize the security of a facility, the health, safety, or welfare of inmates, staff, or visitors, and acts that are unresponsive to inmates needs are prohibited.

1.3.34 Failure to remain on assigned posts; employees will obtain proper authorization prior to leaving a work post.

- 1.3.35 Failure to maintain a proper relationship with the public and the media.
- 1.3.36 Failure to be cooperative in investigations conducted by the Department or other law enforcement officials.
- 1.3.37 Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration, or destruction of documents, log books, and other records, including job applications.
- 1.3.38 Refrain from engaging in unprofessional or illegal behavior both on- and off-duty that could in any manner reflect negatively on the Department.
- 1.3.39 Failure to properly utilize all leaves benefits.
- 1.3.40 Failure to working overtime as required.
- 1.3.41 Failure to adhere to proper dress standards.
- 1.3.42 Failure to safely operate motor vehicles while on duty.
- 1.3.43 Any other activity that may tend to reflect unfavorably upon the employee or the Department.

REFERENCES

ACA 3-4067

ATTACHMENTS

None

Jackie Crawford, Director

Date

CONFIDENTIAL

XX

Yes

No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.

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